

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

## AUGUSTUS T. FRANKLIN

Petitioner, Case No. C-3-05-22

VS. JUDGE THOMAS M. ROSE

# STATE OF OHIO

## Respondent

**ENTRY AND ORDER OVERRULING THE PETITIONER'S OBJECTIONS (DOC. #5)  
ADOPTING REPORT AND RECOMMENDATIONS (DOC. #4) OF UNITED STATES  
MAGISTRATE JUDGE SHARON OVINGTON IN FULL, DISMISSING PETITIONER'S  
INJUNCTIVE PETITION (DOC. #3), TERMINATION ENTRY**

This matter comes before the Court pursuant to Objections (Doc. #5) filed by Petitioner, Augustus T. Franklin on February 14, 2005, to the Report and Recommendations (Doc. #4) issued by Magistrate Judge Sharon Ovington on February 1, 2005.

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that the Petitioner's Objections (Doc. #5) are not well-founded and are therefore, OVERRULED. The Court further will ADOPT the Report and Recommendation (Doc. #4) issued by the Magistrate Judge on February 1, 2005, in full.

IT IS ORDERED AND ADJUDGED that the Injunctive Petition (Doc. #3) filed by the Petitioner on January 19, 2005 be DISMISSED. Based upon this dismissal, the

Court finds the subsequent pleading "Subpoena for Production of Documents and Things for In Camera Inspection, Copying and Testing" (Doc. #6) filed by Petitioner on May 9, 2005 as moot and strikes same.

This case is TERMINATED on the records of the Federal District Court, Southern District of Ohio, Western Division at Dayton, Ohio.

June 10, 2005

**s/THOMAS M. ROSE**

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**JUDGE THOMAS M. ROSE**  
**UNITED STATES DISTRICT COURT**